

HOUSE BILL 1203

Il, E1, R6

11r2753

By: **Delegate Malone**

Introduced and read first time: February 17, 2011

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Air Bags – Consumer Protection and Reporting Requirements**

3 FOR the purpose of prohibiting a person from installing or reinstalling in a motor
4 vehicle any object in lieu of an air bag; prohibiting a person from selling or
5 offering for sale any device with the intent that the device will replace an air
6 bag in a motor vehicle under certain circumstances; prohibiting a person from
7 selling or offering for sale any device that gives a false impression that a viable
8 air bag is installed in a motor vehicle; prohibiting a person from intentionally
9 misrepresenting the presence of an air bag in a motor vehicle; requiring a
10 person who installs a replacement air bag in a motor vehicle to maintain certain
11 records for a certain period of time; requiring certain records to be made
12 available for inspection at a certain time at the request of a certain law
13 enforcement officer; requiring certain information to be provided on the request
14 of certain vehicle owners or their insurers; requiring a person who installs a
15 replacement air bag in a motor vehicle to submit a certain affidavit to a certain
16 person; prohibiting a person from selling or trading a motor vehicle if the person
17 has actual knowledge that the air bag in the motor vehicle is inoperable unless
18 the person gives a certain notice; requiring certain motor vehicle accident
19 reports and certain motor vehicle accident report forms to include certain
20 information; providing that a violation of certain provisions of this Act is an
21 unfair or deceptive trade practice under the Maryland Consumer Protection Act
22 and is subject to certain enforcement and penalty provisions; providing a certain
23 penalty; defining certain terms; and generally relating to motor vehicle air bags
24 and consumer protection and reporting requirements.

25 BY adding to

26 Article – Commercial Law

27 Section 14–3901 through 14–3906 to be under the new subtitle “Subtitle 39. Air
28 Bag Safety Act”

29 Annotated Code of Maryland

30 (2005 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Public Safety
3 Section 3–508
4 Annotated Code of Maryland
5 (2003 Volume and 2010 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article – Transportation
8 Section 20–113
9 Annotated Code of Maryland
10 (2009 Replacement Volume and 2010 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Commercial Law**

14 **SUBTITLE 39. AIR BAG SAFETY ACT.**

15 **14–3901.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) (1) “AIR BAG” MEANS AN INFLATABLE OCCUPANT RESTRAINT
19 SYSTEM OR ANY COMPONENT OF AN INFLATABLE OCCUPANT RESTRAINT
20 SYSTEM THAT IS DESIGNED IN ACCORDANCE WITH APPLICABLE FEDERAL
21 SAFETY STANDARDS FOR USE IN A MOTOR VEHICLE.

22 (2) “AIR BAG” INCLUDES SENSORS, CONTROLLERS, AND WIRING
23 THAT ARE PART OF AN INFLATABLE OCCUPANT RESTRAINT SYSTEM.

24 (C) “LIGHT-MANIPULATING SYSTEM” MEANS ANY OBJECT OR DEVICE
25 THAT CAUSES AN INACCURATE INDICATION OF THE STATUS OR CONDITION OF
26 AN AIR BAG.

27 (D) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11–135 OF THE
28 TRANSPORTATION ARTICLE.

29 **14–3902.**

30 (A) A PERSON MAY NOT INSTALL OR REINSTALL ANY OBJECT IN LIEU OF
31 AN AIR BAG, INCLUDING ANY LIGHT-MANIPULATING SYSTEM, IN A MOTOR
32 VEHICLE.

1 **(B) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY DEVICE WITH**
2 **THE INTENT THAT THE DEVICE WILL REPLACE AN AIR BAG IN A MOTOR VEHICLE**
3 **IF THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE DEVICE DOES**
4 **NOT MEET APPLICABLE FEDERAL SAFETY REQUIREMENTS.**

5 **(C) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY DEVICE,**
6 **INCLUDING A LIGHT-MANIPULATING SYSTEM, THAT WHEN INSTALLED IN A**
7 **MOTOR VEHICLE GIVES THE FALSE IMPRESSION THAT A VIABLE AIR BAG IS**
8 **INSTALLED IN THE MOTOR VEHICLE.**

9 **(D) A PERSON MAY NOT INTENTIONALLY MISREPRESENT THE**
10 **PRESENCE OF AN AIR BAG IN A MOTOR VEHICLE.**

11 **14-3903.**

12 **(A) A PERSON WHO INSTALLS A REPLACEMENT AIR BAG IN A MOTOR**
13 **VEHICLE SHALL MAINTAIN, FOR A PERIOD OF 5 YEARS AFTER THE**
14 **INSTALLATION, A WRITTEN OR AN ELECTRONIC RECORD OF:**

15 **(1) THE VEHICLE IDENTIFICATION NUMBER OF THE MOTOR**
16 **VEHICLE;**

17 **(2) THE NAME, ADDRESS, AND DRIVER'S LICENSE NUMBER OF**
18 **THE OWNER OF THE MOTOR VEHICLE;**

19 **(3) THE NAME AND TAX IDENTIFICATION NUMBER OF THE**
20 **SUPPLIER OF THE AIR BAG;**

21 **(4) THE IDENTIFICATION NUMBER OF THE AIR BAG THAT WAS**
22 **INSTALLED; AND**

23 **(5) THE IDENTIFICATION NUMBER OF THE PREVIOUSLY**
24 **DEPLOYED AIR BAG THAT WAS REPLACED.**

25 **(B) (1) RECORDS REQUIRED TO BE MAINTAINED UNDER THIS**
26 **SECTION SHALL BE MADE AVAILABLE FOR INSPECTION DURING NORMAL**
27 **BUSINESS HOURS AT THE REQUEST OF ANY LAW ENFORCEMENT OFFICER OF**
28 **THE STATE.**

29 **(2) ON REQUEST, A COPY OF THE PORTION OF A RECORD**
30 **MAINTAINED UNDER THIS SECTION THAT IS RELEVANT TO A PARTICULAR**
31 **TRANSACTION SHALL BE PROVIDED TO THE VEHICLE OWNER INVOLVED IN THE**
32 **TRANSACTION AND THE VEHICLE OWNER'S INSURER.**

1 **14-3904.**

2 A PERSON WHO INSTALLS A REPLACEMENT AIR BAG IN A MOTOR VEHICLE
3 SHALL SUBMIT AN AFFIDAVIT TO THE MOTOR VEHICLE OWNER OR A
4 REPRESENTATIVE OF THE MOTOR VEHICLE OWNER STATING THAT THE
5 REPLACEMENT AIR BAG HAS BEEN PROPERLY INSTALLED.

6 **14-3905.**

7 A PERSON MAY NOT SELL OR TRADE A MOTOR VEHICLE IF THE PERSON
8 HAS ACTUAL KNOWLEDGE THAT THE MOTOR VEHICLE'S AIR BAG IS INOPERABLE
9 UNLESS THE PERSON GIVES WRITTEN NOTICE TO THE BUYER OF THE MOTOR
10 VEHICLE OR THE PERSON ACQUIRING THE TRADE-IN MOTOR VEHICLE THAT
11 THE AIR BAG IS INOPERABLE.

12 **14-3906.**

13 (A) A VIOLATION OF ANY PROVISION OF THIS SUBTITLE IS:

14 (1) AN UNFAIR OR DECEPTIVE PRACTICE WITHIN THE MEANING
15 OF TITLE 13 OF THIS ARTICLE; AND

16 (2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS
17 CONTAINED IN TITLE 13 OF THIS ARTICLE.

18 (B) IF A PERSON VIOLATES § 14-3902(A) OF THIS SUBTITLE AND THE
19 VIOLATION CONTRIBUTES TO THE SERIOUS BODILY INJURY OF ANOTHER, AS
20 DEFINED IN § 27-113 OF THE TRANSPORTATION ARTICLE, OR THE DEATH OF
21 ANOTHER, THE PERSON IS GUILTY OF A FELONY AND ON CONVICTION, IN
22 ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, IS SUBJECT TO
23 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR
24 BOTH.

25 **Article - Public Safety**

26 **3-508.**

27 A REPORT OF A MOTOR VEHICLE ACCIDENT COMPLETED BY A POLICE
28 OFFICER SHALL INCLUDE INFORMATION AS TO WHETHER THE AIR BAG OR SEAT
29 BELT PRETENSIONER OF EACH VEHICLE INVOLVED IN THE ACCIDENT WAS
30 DEPLOYED.

31 **Article - Transportation**

1 20–113.

2 (a) (1) The Administration shall prepare and, on request, supply to police
3 departments, sheriffs, and other appropriate agencies or individuals, forms for the
4 written accident reports required by § 20–107 of this title.

5 (2) The forms shall require sufficiently detailed information to disclose
6 the cause of the reported accident, the conditions then existing, [and] the persons and
7 vehicles involved, **AND WHETHER THE AIR BAG OR SEAT BELT PRETENSIONER OF**
8 **EACH VEHICLE INVOLVED WAS DEPLOYED.**

9 (b) Each written accident report required by § 20–107 of this title shall be
10 made on the form that the Administration requires and shall contain all the available
11 information required by the report.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.